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JUDGES OF PROBATE



MILTON L. MACK, Jr.
CHIEF JUDGE OF PROBATE
DAVID J. SZYMANSKI
CHIEF JUDGE PRO TEMPORE

JEANNE S. TAKENAGA
PROBATE REGISTER

October 26, 2005

Mr. Corbin R. Davis, Clerk
Michigan Supreme Court
P.O. Box 30052
Lansing, MI 48909

Re: ADM File No. 2005-02
Proposed Administrative Order regarding Privacy Policy and Access to Court Records

Dear Mr. Davis:

From an administrative point of view, Proposed Administrative Order 2005-02 regarding Privacy Policy and Access to Court Records, particularly the section regarding "Social Security Numbers and Nonpublic Records", paragraph 4, would be burdensome to the Wayne County Probate Court.

Currently, there are 142,917 active court files and 582,008 inactive court files, which can become active at any time. On a daily basis, our Records Room receives approximately 450 requests for court files. The requests are made by both internal and external customers. Currently, our staff is able to deliver the file to the customer within 5 to 15 minutes of the request. Due to the volume of customers and court files, we permit customers to handle court files and take them to various locations in the court. Currently, other than certified copies, court staff does not make copies of court documents for customers; instead, customers who only need a regular copy of a court document may use the public copiers located in the court.

When we release a court file to a customer, whether the customer intends to make copies or take the file to another location within the court, ADM 2005-02 appears to require court staff to redact the social security number from every court pleading, prior to release of the court file. If this is an accurate interpretation of ADM 2005-02, prior to releasing a court file, whether the file is located in the Records Room, a Judge's office, a courtroom, or an employee's office, a court employee will need to review the file to determine that the social security number is redacted and the pleading has been re-imaged.

Our best estimate is that it will take 30-45 minutes per file to review and make the redactions of social security numbers which would be required under ADM 2005-02.

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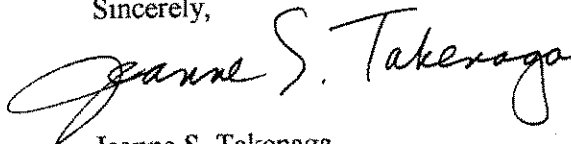
Extrapolated over the average daily request volume of 450 files, this would entail between 225 and 337.5 hours of staff time – i.e., 30 to 45 persons spending their entire working day performing redactions. Our court has 80 employees. Employees would have to be reassigned from their current tasks to work on the redaction process while forgoing their roles in administering probate cases.

Further, while ADM 2005-02 appears to be prospective, effective January 1, 2006, because pleadings are continually added to court files, even court files opened prior to January 1, 2006 would need to be scrutinized for social security numbers, redacted, and re-imaged.

Finally, many of the Court's records are on microfilm. We receive a minimum of five requests per day to access the microfilmed records. Prior to release, court staff will need to redact the social security number, causing further delay in providing customer service.

If adopted, I am concerned that ADM 2005-02, as proposed, would reduce the service provided by Wayne County Probate Court to an unacceptable level. Therefore, I recommend that paragraph 4 of "Social Security Numbers and Nonpublic Records" be deleted.

Sincerely,

A handwritten signature in black ink, reading "Jeanne S. Takenaga". The signature is fluid and cursive, with the first name "Jeanne" and last name "Takenaga" clearly legible.

Jeanne S. Takenaga
Probate Register